

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ELCOMMERCE.COM, INC.

vs.

SAP AG, ET AL.

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CASE NO. 2:07-CV-383

ORDER

Pending before the court is SAP's motion to Compel elcommerce to respond to Interrogatory No. 1 (Dkt. No. 69). Interrogatory No. 1 requests elcommerce to "identify any individual elements and steps of any of the claims of the patent-in-suit that were not present in the prior art." In response, elcommerce objected to the prematurity of the interrogatory and referenced the notice of allowability in the file history of the patent-in-suit. After a number of meetings, SAP narrowed its Interrogatory No. 1 to exclude obviousness combinations.

The court grants the motion in part. The court compels elcommerce to amend its answer to Interrogatory No. 1 within 14 calendar days of the issuance of this order, in light of the amended invalidity contentions served on May 22, 2009.

SIGNED this 26th day of June, 2009.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE